

**STATE OF RHODE ISLAND
BEFORE THE RHODE ISLAND ETHICS COMMISSION**

**In re: Luis Aponte,
Respondent**

Complaint No. 2016-13

ORDER

This matter having been heard before the Rhode Island Ethics Commission on February 27, 2018, pursuant to Commission Regulation 1011, and the Commission having considered the Complaint herein, the proposed Informal Resolution and Settlement, which is incorporated by reference herein, and the arguments presented, it is hereby

ORDERED, ADJUDGED AND DECREED

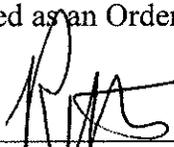
THAT, the Commission approves the Informal Resolution and Settlement as submitted; and

THAT, the Commission incorporates by reference herein the Findings of Fact and Admissions, and the Conclusions of Law, set forth in the Informal Resolution and Settlement;

THAT, by voting on April 7, 2016, and April 21, 2016, in favor of an amendment to the City of Providence's Zoning Ordinance financially impacting his landlord and business associate's property at 53 Doyle Avenue, the Respondent violated Rhode Island General Laws § 36-14-5(a) and (d); and

THAT, the Respondent is ordered to pay a civil penalty in the amount of One Thousand Five Hundred Dollars (\$1,500).

Entered as an Order of this Commission.



Chairperson

Dated: February 27, 2018

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**In re: Luis Aponte,
Respondent**

Complaint No. 2016-13

INFORMAL RESOLUTION AND SETTLEMENT

The Respondent, Luis Aponte, and the Rhode Island Ethics Commission (“Commission”) hereby agree to a resolution of the above-referenced matter as follows:

I. FINDINGS OF FACT & ADMISSIONS

1. The Respondent was first elected to the Providence City Council (“City Council”), a municipal elected position, in January 1999, and has served continuously in said capacity at all times relevant hereto. In January 2015, he was elected President of the City Council.

2. From 2012 through 2016, the Respondent resided at 14 Blundell Street in Providence, a building owned by Keith Fernandes. The Respondent was Mr. Fernandes’ tenant at all relevant times.

3. The Respondent and Mr. Fernandes became acquainted with each other prior to the Respondent becoming his tenant in 2012.

4. Mr. Fernandes is also the owner of a three-family home located at 53 Doyle Avenue in Providence at which he has been residing since 2006. The zoning classification for the property was limited to three-family residential developments, although the Tax Assessor had assessed the property for five units.

5. In 2013, Mr. Fernandes asked former City Councilmember Davian Sanchez to petition the City Council on his behalf to request an amendment to the City of Providence’s

("City") Zoning Ordinance for his property at 53 Doyle Avenue to permit him to rent the extra units and generate additional income.

6. At the City Council's July 18, 2013 meeting, Councilmember Sanchez introduced a petition to amend Chapter 27 of the City's Zoning Ordinance. The City Council referred the petition to the Committee on Ordinances for its consideration. The petition was also concurrently sent to the City Planning Commission ("CPC") for its study and recommendation.

7. At the CPC's October 15, 2013 meeting, the Deputy Director of the City's Planning and Development Department, Robert Azar, informed the CPC of defects with the petition, and the CPC voted to deny the proposed rezoning.

8. Mr. Fernandes' petition remained on a pending list until it was revisited by the Committee on Ordinances at its June 2, 2015 meeting. Mr. Azar represented to the Committee that he would work with the property owner, Keith Fernandes, to correct the defects with the petition. The Committee voted to continue the matter until the defects with the petition could be remedied.

9. A public hearing on Mr. Fernandes' revised petition was held before the Committee on Ordinances on March 16, 2016. Mr. Fernandes addressed the Committee and requested that his petition be approved. The Committee on Ordinances voted in favor of the petition for the zoning amendment, after which the matter was sent back to the City Council for its final approval.

10. On April 7, 2016, the Respondent participated in the City Council's vote in favor of the petition for an amendment to the City's Zoning Ordinance impacting the property of his landlord and business associate, Keith Fernandes, at 53 Doyle Avenue.

11. On April 21, 2016, the Respondent participated in the City Council's second vote to adopt the zoning amendment relating to the property of his landlord and business associate, Keith Fernandes, at 53 Doyle Avenue, and grant its final approval. The zoning amendment took effect upon its final adoption at that meeting.

II. CONCLUSIONS OF LAW

1. As an elected member of the Providence City Council, the Respondent was, at all relevant times, subject to the Rhode Island Code of Ethics in Government ("Code of Ethics"), pursuant to Rhode General Laws § 36-14-4(1).

2. By participating in the Providence City Council's April 7, 2016 and April 21, 2016 votes to adopt a zoning amendment relating to the property of his landlord and business associate, Keith Fernandes, at 53 Doyle Avenue, the Respondent violated Rhode Island General Laws § 36-14-5(a) and (d).

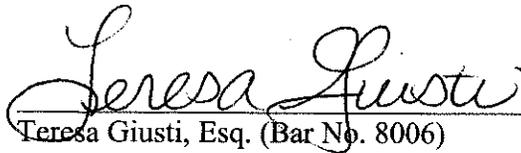
III. SETTLEMENT

Pursuant to the above Findings of Fact and Conclusions of Law, the parties hereby agree, subject to the approval of the Commission, to the following, pursuant to Rhode Island General Laws § 36-14-13(d) and Commission Regulation 1011:

1. The Commission shall enter an Order and Judgment that the Respondent violated Rhode Island General Laws § 36-14-5(a) and (d).

2. The Prosecution will recommend, and the Respondent agrees to pay, a civil penalty in the amount of \$1,500.

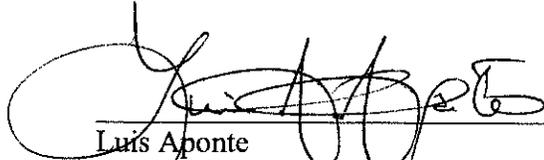
3. The above terms represent the full and complete Informal Resolution and Settlement for Complaint No. 2016-13.



Teresa Giusti, Esq. (Bar No. 8006)

Commission Prosecutor

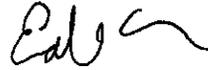
Dated: 2/21/18



Luis Aponte

Respondent

Dated: 2-21-2018



Edward C. Roy, Jr., Esq. #3029

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Dated: 2/21/18